

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

***Return Date: November 13, 2014***  
***Time: 10:00 a.m.***

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In re:

PIERRE RAOUL

Chapter 13  
Case No.: 114-44744-608

Debtor(s)

**NOTICE OF MOTION**

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SIRS / MADAMS:

**PLEASE TAKE NOTICE**, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 13<sup>th</sup> day of NOVEMBER, 2014 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to submit monthly pre-confirmation payments, failure to provide and/or file documents, failure to appear at §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than seven (7) days prior to the return date of this motion.

Dated: Melville, New York  
October 24, 2014

Yours, etc.

MICHAEL J. MACCO  
Chapter 13 Trustee  
135 Pinelawn Road, Suite 120 South  
Melville, New York 11747  
(631) 549-7900

To: *Office of the United States Trustee*  
*Pierre Raoul*  
*Karamvir Dahiya, Esq., Attorney for Debtor(s)*  
*U.S. Bank National Association, Creditor*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

PIERRE RAOUL

**tmm1634**

Chapter 13

Case No.: 114-44744-608

Debtor(s)

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**APPLICATION**

TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on September 18, 2014, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.
3. In addition, as of this date the debtor(s) has failed to provide the Trustee with copies of previous year's State and Federal Tax Returns; all filings required under Section 521; and all mandatory disclosure documentation as set forth in Local Bankruptcy Rule 2003-1.
4. Furthermore, the debtor failed to appear at the initial §341 meeting of creditors, held October 15, 2014 at 10:00 a.m.
5. This is a material default and is prejudicial to the rights of the creditors of the debtor.

**WHEREFORE**, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Melville, New York  
October 24, 2014

/s/ Michael J. Macco  
Michael J. Macco, Chapter 13 Trustee  
135 Pinelawn Road – Suite 120 South  
Melville, New York 11747  
(631) 549-7900

STATE OF NEW YORK     )  
COUNTY OF SUFFOLK    )     ss.:

LONI BRAGIN, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On October 24, 2014, deponent served the within:

**NOTICE OF MOTION AND APPLICATION**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee  
U.S. Federal Office Building  
201 Varick Street, Ste. 1006  
New York, NY 10014*

*Pierre Raoul  
48-23 Foster Avenue  
Brooklyn, NY 11203*

*Karamvir Dahiya, Esq.  
Attorney for Debtor(s)  
75 Maiden Lane, Ste. 506  
New York, NY 10038*

*U.S. Bank National Association  
c/o Zeichner Ellman & Krause LLP  
1211 Avenue of the Americas  
New York, NY 10036*

**/s/ Loni Bragin**  
**LONI BRAGIN**

Sworn to before me this  
24<sup>th</sup> day of OCTOBER, 2014

**/s/ Janine M. Zarrilli**  
NOTARY PUBLIC  
Janine M. Zarrilli  
Notary Public, State of New York  
No. 01ZA5084708  
Qualified in Nassau County  
Commission Expires September 8, 2017